

JAN 27 2003

**Before the State of South Carolina
Department of Insurance**

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:

SCDOI File Number 2002-115887

Mr. Bernard Epps dba Choice Insurance
Post Office Box 11604
Rock Hill, South Carolina 29731.

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the South Carolina Department of Insurance and Bernard Epps, an insurance agent licensed to transact business in the State of South Carolina.

Based on evidence received by the Department, the respondent hereby admits, and I find as fact, that he had a "debit balance", in the approximate amount of \$1,029.15, due for commissions on lapsed policies that he failed to refund to Reliable Policy Management. This is a direct violation of Chapters 43 and 45 of the South Carolina Code of Laws. Sections 38-45-140 and 38-43-130 (Supp. 2002) grant the Director of Insurance the power to "revoke... an insurance agent's license... when it appears that an agent has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

Prior to the initiation of any administrative proceedings by the Department against Mr. Epps or his agency, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that Bernard Epps would waive his right to a public hearing and pay an administrative fine in the total amount of \$250.00.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law that Bernard Epps has violated S.C. Code Ann. § 38-43-130 (Supp. 2002). Under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 2002), I hereby impose against Mr. Epps a fine in the amount of \$250.00, which must be paid in the following manner: \$125.00 before January 31, and the rest due by the fifteenth of February 2003. If that total fine amount is not timely paid, Bernard Epps's license to transact the business of insurance will be revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in light of the fact that Mr. Epps has refunded the whole amount to the Insurer. It is also made in consideration of Bernard Epps's assurance that he will fully comply with the Insurance Laws of South Carolina in the future.

By the signature of one of its officers or authorized representative upon this consent order, the Agency acknowledges that it understands that this administrative order is a public

record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10 *et seq.* (1991 and Supp. 1998). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Bernard Epps must pay through the South Carolina Department of Insurance an administrative fine in the amount of \$250.00; the first payment due before January 31, 2003.

Finally, it is also ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states.

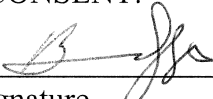
This consent order becomes effective as of the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long, sweeping horizontal stroke extending to the right.

Ernst N. Csiszar
Director


January 27, 2003, at
Columbia, South Carolina

I CONSENT:



Signature

Bernard Epps/ Choice Insurance Agency



Title

Bernard Epps
Post Office Box 11604
Rock Hill, South Carolina 29731.

Dated this 24 day of January 2003.